12

13

14

16

17

18

19

20

21

22

23

Michael Malecek (State Bar No. 171034)

Email address: michael.malecek@kayescholer.com

Timothy Chao (State Bar No. 261720)

Email address: timothy.chao@kayescholer.com

KAYE SCHOLER LLP Two Palo Alto Square

Suite 400

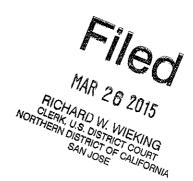
3000 El Camino Real

Palo Alto, California 94306-2112

Telephone: (650) 319-4500 Facsimile: (650) 319-4700

Attorneys for Defendant

Google, Inc.



## UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SUBPOENA TO PALO ALTO RESEARCH CENTER INC. In connection with: ContentGuard Holdings, Inc.,

Plaintiff.

v.

Google, Inc.,

Defendant.

Case No. 2:14-cv-61 United States District Court for the Eastern District of Texas

15c. Cas 800101 MSC. NC GOOGLE'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL ITS

MOTION TO COMPEL PALO ALTO RESEARCH CENTER TO PRODUCE **DOCUMENTS IN RESPONSE TO** SUBPOENA AND CERTAIN EXHIBITS IN SUPPORT OF GOOGLE'S MOTION

GOOGLE'S MOTION TO FILE UNDER SEAL

# KAYE| SCHOLER

# ADMINISTRATIVE MOTION TO SEAL CERTAIN DOCUMENTS

Defendant Google Inc. ("Google") submits this motion for a sealing order pursuant to Civil Local Rule 79-5 so that it may file under seal its Motion to Compel Third Party Palo Alto Research Center Inc. to Produce Documents in Response to Subpoena ("Google's Motion to Compel") and Exhibits 7-10, 13, 15-17, and 20 of the Declaration of Timothy Chao In Support of Google's Motion To Compel Palo Alto Research Center To Produce Documents In Response To Subpoena ("Chao Decl."). This motion is based on the points and authorities herein, and on the accompanying Declaration of Timothy Chao In Support of Google's Administrative Motion to File Under Seal Google's Motion To Compel Palo Alto Research Center To Produce Documents In Response To Subpoena.

On June 6, 2014, Judge Rodney Gilstrap entered an Amended Protective Order ("Amended Protective Order"), Dkt No. 69 in a related case, ContentGuard Holdings, Inc. v. Google Inc., Case No. 2:14-cv-0061, pending in the United States District Court for the Eastern District of Texas, Marshall Division. (Chao Decl. Ex. A) The Amended Protective Order permits the parties to designate documents as "CONFIDENTIAL," "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY," or "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY," or "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES

Google's Motion to Compel reflects information from a number of documents designated by Palo Alto Research Center, Inc. ("PARC") or ContentGuard Holdings, Inc. ("ContentGuard") attorneys as "CONFIDENTIAL" or "CONFIDENTIAL — OUTSIDE ATTORNEYS' EYES ONLY" under the Amended Protective Order.

Google files this motion only because PARC or ContentGuard has designated or may designate Exhibits 7-10, 13, 15-17, and 20 to the Chao Decl. as "CONFIDENTIAL" or "CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY" pursuant to the Amended Protective Order, and Google's Motion to Compel cites to these exhibits. Accordingly, Google respectfully submits that the Court should permit Google's Motion to Compel and Exhibits 7-10, 13, 15-17, and 20 thereto to be filed under seal.

# 

Respectfully submitted, Dated: March 19, 2015 KAYE SCHOLER LLP By: /s/ Michael Malecek Michael Malecek Attorneys for Defendant Google, Inc. KAYE SCHOLERUP 

GOOGLE'S MOTION TO FILE UNDER SEAL

Court Name: U.S. District Court, NDCA Division: 5 Receipt Number: 54611015509 Cashier ID: waltonb Transaction Date: 03/27/2015 Payer Name: Dakland Service of Process I

MISCELLANEOUS PAPERS
For: Google, Inc
Case/Party: D-CAN-5-15-MC-088101-801
Amount: \$46.80

PAPER CHECK CONVERSION Check/Money Order Num: 4098 Amt Tendered: \$46.00

Total Due: \$46.80 Total Tendered: \$46.80 Change Aut: \$6.86

MC

Checks and drafts are accepted subject to collections and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.